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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/588,064

08/01/2006

Kiyoshi Kato

0756-7772

4335

31780 7590 08/28/2008
ERIC ROBINSON
PMB 955
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EXAMINER

WEINBERG, MICHAEL J

ART UNIT

PAPER NUMBER

2827

MAIL DATE

DELIVERY MODE

08/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.
2. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

- I. An NVM with two memory elements per memory cell.
- II. An NVM with at least three memory elements per memory cell.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

3. The claims are deemed to correspond to the species listed above in the following manner:

- I. claims 1, 3, 5, 7, 9, 11, 13-17
- II. claims 2, 4, 6, 8, 10, 12-17

No claim is generic.

4. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: The claimed inventions have mutually exclusive characteristics that would require significantly divergent searches.

5. A telephone call was made to Eric Robinson to request an oral election to the above restriction requirement, but did not result in an election being made.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Weinberg whose telephone number is (571)272-6424. The examiner can normally be reached on M-F 9:00 am-5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amir Zarabian can be reached on 571-272-1852. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael J. Weinberg/
Examiner, Art Unit 2827
/AMIR ZARABIAN/
Supervisory Patent Examiner, Art Unit 2827